UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,743	09/22/2003	Ronald Lauber	7603.110	6797

7590	06/28/2006		EXAMINER

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EXAMINER
LA, NICHOLAS T

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-83</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-16 and 40-83</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>17-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Election/Restrictions

Applicant's election without traverse of claims 17-39 in the reply filed on 05/10/2006 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1)   **Claim 27** is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "determining whether a selected person is present in a vehicle carrying the mobile wireless data entry terminal and, in response, generating a person present/absent data field", does not reasonably provide enablement for how to detecting the person (e.g., by sensors such as fingerprint sensor, voice sensor, or any type of electronic device attached to the person...). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use of the invention commensurate in scope with these claims.

For the purpose of examining the claim, the examiner assumes that the person rides in the vehicle and the person carries/wears the mobile wireless data entry terminal. The vehicle itself has no wireless communication device attached to it.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2)   Claims 18, 19, 20, 21, 22, 23 recites the limitation "said vehicle". There is insufficient antecedent basis for this limitation supported in the claims or in the independent claim 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3)   Claims 27, 29-31, 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pub. No. 2003/0195699) and further in view of Marcarelli et al. (US Pub. No. 2002/0070881)

Regarding **claim 27**, Jones teaches a method for transmitting time-
stamped position data from a mobile wireless data entry terminal to a remote
location (paragraph [0076], [0077]), comprising the method steps of:

(a) sensing the location of the mobile wireless data entry terminal at a
selected time and generating a location data field in response thereto (paragraph
[0076]-[0077]);

(b) storing said location data and said selected time (paragraph [0096]);

(c) determining whether a selected person is present in a vehicle carrying
a mobile wireless data entry terminal and ,in response, generating a person
present/absent data field (paragraph [0073], [0076], [0077] generating location,
time, and identification of the particular mobile device as part of registration
process from the mobile terminal or polling from the base station; Jones further
teaches method tracking a user/person/passenger walks or rides on a vehicle
carrying a mobile wireless terminal device (paragraph [0002]-[0004]); determining
the present/absent of the user is having an apparent relationship to whether the
mobile terminal is registering to the base station which is serving that location
and to generating the information related to the mobile terminal device is also the
location, time and name or ID of the user with an attached present/absent status
of the user since the mobile terminal and the user must have some kind of
relationship such as the user owns the mobile terminal, the mobile is being
assigned to the user by his employer...);

(d) generating location, time, and identification of the particular mobile
device as part of registration process from the mobile terminal or polling from the

base station; Jones further teaches method of tracking a user/person/passenger walks or rides on a vehicle carrying a mobile wireless terminal device (paragraph [0002]-[0004]; [0073], [0076]-[0077]); determining the present/absent of the user is having an apparent relationship to whether the mobile terminal is registering to the base station which is serving that location and to generating the information related to the mobile terminal device is also the location, time and name or ID of the user with an attached present/absent status of the user since the mobile terminal and the user must have some kind of relationship such as the user owns the mobile terminal, the mobile is being assigned to the user by his employer...);

(e) transmitting said information from the mobile wireless data entry terminal to a wireless receiver at a base station equipped with a computer having a display(Figure 2, paragraph [0076]-[0077]; [0096]-[0098]);

however, Jones does not expressly teach a method of using data packet for the invention wireless transmission between the mobile terminal and the base station. In an analogous art, Marcarelli et al. teaches using data packet for communicating message comprises identification of the mobile device, location data field, selected time, and other additional data such as acknowledge data, or emergency data (paragraph [0043]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones to include the method of using data packet for communication between the mobile terminal and the base station such as taught by Marcarelli et al. in order to better management of wireless communication resources such communication channel.

Regarding **claim 34,** Jones teaches a method for analyzing and displaying

time-stamped position data from a mobile wireless data entry terminal having a

unique mobile wireless data entry terminal identification indicator (paragraph

[0069], [0118]), comprising the method steps of:

(a) sensing the location of the mobile wireless data entry terminal at a

selected time and generating a location data field in response thereto (paragraph

[0076]-[0077]);

(b) storing said location data and said selected time (paragraph [0096]);

(c) generating the location, time and identification information of the

mobile terminal (paragraph [0076], [0077] generating location, time, and

identification of the particular mobile device as part of registration process from

the mobile terminal or polling from the base station);

(d) transmitting said information from the mobile wireless data entry

terminal to a wireless receiver at a base station equipped with a computer having

a display(Figure 2, paragraph [0076]-[0077]; [0096]-[0098]);

however, Jones does not expressly teach a method of using data packet

for the invention wireless transmission between the mobile terminal and the base

station and determining whether a vehicle carrying the mobile wireless data entry

terminal is being tampered with and generating a vehicle tamper status data field.

In an analogous art, Marcarelli et al. teaches using data packet for

communicating message comprises identification of the mobile device, location

data field, selected time, and other additional data such as emergency data

(paragraph [0043]). Marcarelli et al further teaches determining whether a

vehicle carrying the mobile wireless data entry terminal is being tampered with

and generating a vehicle tamper status data field (paragraph [0052]-[0055]).

Therefore, it would have been obvious to one ordinary skill in the art at the time

of the invention was made to modify Jones to include the method of using data

packet for communication between the mobile terminal and the base station such

as taught by Marcarelli et al. in order to better management of wireless

communication resources such communication channel and assisting the

process of solving or recovering of the vehicle if it is being stolen.

Regarding **claims 29, 31**, Jones further teaches a method wherein the

step of determining whether a selected person is present in a vehicle carrying the

mobile wireless data entry terminal comprises determining whether an employee

or a passenger is present in the vehicle at a selected time (paragraph [0002]-

[0004], [0076]-[0077]).

Regarding **claim 30**, Marcarelli et al. further teaches a method wherein

the step of determining whether a selected person is present in a vehicle carrying

the mobile wireless data entry terminal comprises determining whether a medical

patient is present in the vehicle at a selected time (paragraph [0050]).

Regarding **claim 35**, Jones further teaches a method wherein the step of

sensing the position of the mobile wireless data entry terminal at a selected time

comprises sensing signals of one or more Global Positioning System satellites

(paragraph [0076]).

Regarding **claims 36, 37**, Marcarelli et al. further teaches a method

wherein the step of determining and generating an alarm according to whether

the vehicle carrying the mobile wireless data entry terminal is being tampered

with comprises detecting vehicle movement during an interval when the vehicle

ignition is off and, in response, generating a signal indicating the vehicle is being

moved (paragraph [0051], [0054]).

4)   **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No.

2002/0070881) and further in view of Goldberg et al. (US patent 5,742,509).

Regarding **claim 28**, Jones, Marcarelli et al. teaches a method for tracking

a mobile terminal device including using a GPS system to acquire the device

location. However, Jones, Marcarelli et al. fails to teach wherein the step of

sensing the location of the mobile wireless data entry terminal comprises sensing

signals of three or more Global Positioning System satellites. In an analogous

art, Goldberg et al. teaches a method wherein the step of sensing the location of

the mobile wireless data entry terminal comprises sensing signals of three or

more Global Positioning System satellites (col. 7, line 4 to 22). Therefore, it

would have been obvious to one ordinary skill in the art at the time of the

invention was made to modify Jones, Marcarelli et al. to include the step of

sensing the location of the mobile wireless data entry terminal comprises sensing

signals of three or more Global Positioning System satellites such as taught by

Goldberg et al. in order to improve precision of a location tracking system

including an intelligent position tracking device at the mobile unit and by

employing communication between a base station and that said mobile unit.

5)   Claims 17-25, 32-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al.

(US Pub. No. 2002/0070881) and further in view of Kuma (US Patent No.

5,907,286).

Regarding **claim 17**, Jones teaches a method for analyzing and displaying

time-stamped position data from a mobile wireless data entry terminal having a

unique mobile wireless data entry terminal identification indicator (paragraph

[0069], [0118]), comprising the method steps of:

(a) sensing the location of the mobile wireless data entry terminal at a

selected time and generating a location data field in response thereto (paragraph

[0076]-[0077]);

(b) storing said location data and said selected time (paragraph [0096]);

c) generating the location, time and identification information of the mobile

terminal (paragraph [0076], [0077] generating location, time, and identification of

the particular mobile device as part of registration process from the mobile

terminal or polling from the base station);

(d) transmitting said information from the mobile wireless data entry

terminal to a wireless receiver at a base station equipped with a computer having

a display(Figure 2, paragraph [0076]-[0077]; [0096]-[0098]);

(e) defining at least one established norm for a selected parameter

selected from mobile wireless data entry terminal location, time, and unique

mobile wireless data entry terminal identification indicator (Figure 14, paragraph

[0096]);

(f) comparing at least one of said location data field, said selected time,

and said unique mobile wireless data entry terminal identification indicator to said

established norm (paragraph [0096]-[0098]); and

however, Jones does not expressly teach a method of using data packet

for the invention wireless transmission between the mobile terminal and the base

station. In an analogous art, Marcarelli et al. teaches using data packet for

communicating message comprises identification of the mobile device, location

data field, selected time, and other additional data such as emergency data

(paragraph [0043]). Therefore, it would have been obvious to one ordinary skill

in the art at the time of the invention was made to modify Jones to include the

method of using data packet for communication between the mobile terminal and

the base station in order to better management of wireless communication

resources such communication channel.

however Jones and Marcarelli et al. does not teach a method of

(g) generating an alarm data field in the event that said comparison step

indicates a condition that does not conform to said established norm.

in an analogous art, Kuma et al. teaches generating an alarm data field in

the event that said comparison step indicates a condition that does not conform

to said established norm (col. 27, line 34 to 38). Therefore, it would have been

obvious to one ordinary skill in the art at the time of the invention was made to

modify Jones and Marcarelli et al. to include generating an alarm data field in the

event that said comparison step indicates a condition that does not conform to

said established norm such as taught by Kuma in order to alarm the authorized

personnel the condition is not met like the driver is not traveling on the

designated route or some unexpected, abnormal event which may occur on the

traveling route or at a particular location.

Regarding **claim 18**, Jones further teaches displaying a map indicating the

location of said vehicle with said vehicle being visually designated as not

conforming to said established norm (paragraph [0118]).

Regarding **claim 19**, Marcarelli et al. further teaches wherein said step of

displaying a map with said vehicle being visually designated as not conforming to

said established norm comprises displaying said vehicle on the map in a first

selected color (paragraph [0009], [0039]).

Regarding **claim 20**, Jones, Marcarelli et al. and Haneback et al. teaches

the invention of tracking a mobile device with an alarm system, further teaches

using audio and visual means to alarm a user. However, Jones, Marcarelli et al.

and Haneback et al. does not teach wherein said first selected color is red. In an

analogous art, Kuma teaches an alarm system, wherein said first selected color

is red (col. 27, line 34 to 38). Therefore, it would have been obvious to one

ordinary skill in the art at the time of the invention was made to modify Jones,

Marcarelli et al. and Haneback et al. to include an alarm system, wherein said

first selected color is red such as taught by Kuma in order to enhance flexibility of

possibility in alerting an user, especially to disable people.

Regarding **claim 21**, Marcarelli et al. further teaches wherein said norm is

vehicle location, and wherein said alarm data field is generated in the event that

said vehicle is not in a selected location (paragraph [0039]).

Regarding **claims 22, 23, 24, 25**, Jones further teaches wherein said

norm is vehicle location at a selected time, and wherein said alarm data field is

generated in the event that said vehicle is not in a selected location at said

selected time or that said vehicle is not in selected geographically bounded area

is selected by a dispatch center user on said base station computer by identifying

an enclosed selected area on a map displayed on said base station computer

display. (paragraph [0109], [0157]).

Regarding **claim 32**, Jones and Marcarelli et al. further teaches a method further comprising the steps of:

comparing a selected parameter comprising at least one of said position data field, said selected time data field, said person present/absent data field and said mobile wireless data entry terminal identification indicator to an established norm (Jones; paragraph [0073], [0076]- [0077], [0097], 0106]);

Jones and Marcarelli et al further teaches of notifying users in case of events (Jones; paragraph [0002]-[0004]); however, fails to teach generating an alarm signal in the event that said comparison step demonstrates that said selected parameter does not conform to said established norm. In an analogous art, Kuma et al. teaches generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm (col. 27, line 34 to 38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones and Marcarelli et al. to include generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm such as taught by Kuma in order to alarm the authorized personnel the condition is not met like the driver is not traveling on the designated route or some unexpected, abnormal event which may occur on the traveling route or at a particular location.

Regarding **claim 33**, Kuma further teaches a method further comprising

the steps of transmitting said alarm signal from the mobile wireless data entry

terminal to a wireless receiver at the remote location (col. 2, line 16 to 22).

6)   **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No.

2002/0070881) in view of Kuma (US Patent No. 5,907,286) and further in view of

Goldberg et al. (US patent 5,742,509).

Regarding **claim 26**, Jones, Marcarelli et al., and Kuma teaches a method

for tracking a mobile terminal device including using a GPS system to acquire the

device location. However, Jones, Marcarelli et al., and Kuma fails to teach

wherein the step of sensing the location of the mobile wireless data entry

terminal comprises sensing signals of three or more Global Positioning System

satellites. In an analogous art, Goldberg et al. teaches a method wherein the

step of sensing the location of the mobile wireless data entry terminal comprises

sensing signals of three or more Global Positioning System satellites (col. 7, line

4 to 22). Therefore, it would have been obvious to one ordinary skill in the art at

the time of the invention was made to modify Jones, Marcarelli et al., and Kuma

to include the step of sensing the location of the mobile wireless data entry

terminal comprises sensing signals of three or more Global Positioning System

satellites such as taught by Goldberg et al. in order to improve precision of a

location tracking system including an intelligent position tracking device at the

mobile unit and by employing communication between a base station and that

said mobile unit.

7)   Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No.

2002/0070881) and further in view of Flick et al. (US Patent 6,809,659).

Regarding **claim 38**, Jones, Marcarelli et al. teaches a method for tracking

a mobile terminal device including alarming the system in the case the vehicle is

being tampered with. However, Jones, Marcarelli et al. does not teach a method

further comprising actuating an audible car alarm in response to said alarm

signal. In an analogous art, Flick et al. teaches actuating an audible car alarm in

response to said alarm signal (col. 11, line 1 to 10). Therefore, it would have

been obvious to one ordinary skill in the art at the time of the invention was made

to modify Jones, Marcarelli et al. to include actuating an audible car alarm in

response to said alarm signal such as taught by Flick et al. in order to be able to

alert passer by the situation so that an appropriate action could be taken to stop

the tampering.

8)   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No.

2002/0070881) and further in view of Hanebeck et al. (US Patent 6,529,141).

Regarding **claim 39**, Jones, Marcarelli et al. teaches a method for tracking

a mobile terminal device including generating an alarm signal in the event that

said comparison step demonstrates that said selected parameter does not

conform to said established norm (Marcarelli et al., paragraph [0043], [0050]-

[0051]). Jones and Marcarelli et al. further teaches comparing current location

and time of the mobile device to a predefined location and time (Jones,

paragraph [0096]-[0098]); however does not expressly teach comparing said

vehicle tamper status data field and said mobile wireless data entry terminal

identification indicator to an established norm. In an analogous art, Hanebeck et

al. teaches comparing said vehicle tamper status data field and said mobile

wireless data entry terminal identification indicator to an established norm (see

Abstract, col. 2, line 41 to 60). Therefore, it would have been obvious to one

ordinary skill in the art at the time of the invention was made to modify Jones and

Marcarelli et al. to include comparing said vehicle tamper status data field and

said mobile wireless data entry terminal identification indicator to an established

norm such as taught by Hanebeck et al. in order to be able to recognize

unexpected events or tampering other than a routine events or tampering, which

normally would be done by authorized individual or the owner of the mobile

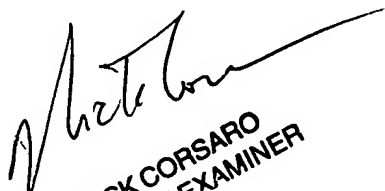device in order to timely alert and response to in cases of unauthorized events.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas La
06/15/2006

NICK CORSARO
PRIMARY EXAMINER